

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11976 & 11997 of Dorothy L. Lopez for a special exception as provided by Sections 7104.2 and 7109 of the Zoning Regulations for permission to change a non-conforming use from a retail grocery store (1st floor) to a retail grocery store and delicatessen (1st floor), and variance from the use provisions of the R-4 zone to permit a general office use (2nd floor), at the premises 1970 2nd Street, N.W., known as Lot 806, Square 3087.

HEARING DATE: July 22, 1975

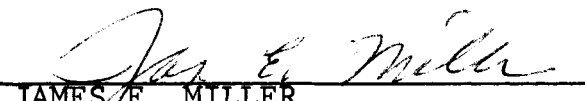
DECISION DATE: August 6, 1975, September 30, 1975

ORDER

Upon consideration of the applicant's motion for rehearing, the Board finds that the motion does not present any new evidence that could not have been reasonably presented at the original hearing in this case, accordingly, it is hereby Ordered: That the applicant's motion fails for the lack of four (4) affirmative votes.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER, October 8, 1975

Before the Board of Zoning Adjustment, D. C.

Application No 11976 and 11997 of Dorothy L. Lopez, for a special exception as provided in Sections 7104.2 and 7109 of the regulations, to change a nonconforming use from a retail grocery store (1st floor) to a retail grocery store and delicatessen (1st floor), and variance from the use provisions of the R-4 Zone to permit a general office use (2nd floor), at the premises 1970 2nd Street, N. W., known as Lot 806, Square 3087.

HEARING DATE: July 22, 1975

DECISION DATE: August 6, 1975

FINDINGS OF FACT:

1. The subject property was once used as a grocery store and has a legally established nonconforming use status.
2. The applicant proposed to use the 1st floor as a grocery store-delicatessen and the second floor for an office (general) use.
3. The Board finds that there is no hardship existing to warrant the granting of a hardship, because there is no evidence of record to support that an unusual or unique situation exists on the property as far as use is concerned.
4. The subject property is located in the vicinity of the LeDroit Park area of the city and is directly across from a dormitory of Howard University.
5. The applicant proposes to sell groceries, hot sandwiches, ice cream, and beer and wine.
6. The character of the neighborhood is residential.
7. Opposition was made to this application at public hearing.
8. A representative of the LeDroit Park Preservation Society testified that the proposed delicatessen use would be objectionable because it would cause unwanted litter and trash in the area.

9. Other citizens of the neighborhood, testified that there are numerous carry outs in the area, and ~~that no more~~ are needed. They also objected to the use of the property as a delicatessen - carry out because they felt that it would cause additional litter and trash in the neighborhood.

OPINION AND CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, and the record, the Board is of the opinion that the applicant has not carried her burden of proving the existence of a hardship within the meaning of the Zoning Regulations relating to the requested use variance for the 2nd floor of the subject property. The Board is further of the opinion, that the proposed use of the first floor as a delicatessen would be objectionable to the neighborhood, which is residential in character. The grant of a change of nonconforming use would increase the use of the subject property, which is located in a medium density R-4 Zone. The Board gives great weight to the testimony of the opposing parties. Accordingly, the Board concludes that the proposed change of nonconforming use would be objectionable and not in harmony with other uses in the neighborhood.

ORDERED: That application numbers 11976 and 11997, be and is hereby DENIED.

VOTE: 5-0

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: James E. Miller  
JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: 8/26/75